

# McDermott Will & Emery

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SEP 13 2006

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**Date:** September 13, 2006

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<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Commissioner for Patents	U.S. Patent & Trademark Office	571.273.8300	
<b>From:</b>	Wesley L. Strickland	<i>Direct Phone:</i>	858.643.1415
<i>E-Mail:</i>	wstrickland@mwe.com	<i>Direct Fax:</i>	858.597.1585
<i>Sent By:</i>	Andrew Reese	<i>Direct Phone:</i>	858.643.1472
<i>Client/Matter/Tkpr:</i>	062781-0082	<i>Original to Follow by Mail:</i>	No
		<i>Number of Pages, Including Cover:</i>	5
<b>Re:</b>	U.S. Patent Application No. 10/629,415		

**Message:**

Revocation of Power of Attorney and Appointment of New Agent (5 pages)

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Main Facsimile: 858.597.1585 Facsimile Operator: 858.643.1400

U.S. practice conducted through McDermott Will & Emery LLP.

4370 La Jolla Village Drive Suite 700 San Diego, California 92122-1252 Telephone: 858.535.9001

Docket No.: 062781-0082

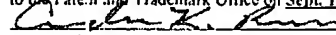
**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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Applicant : BURKEY, TODD R.  
 Appl. No. : 10/629,415  
 Filed : July 29, 2003  
 Title : METHOD, APPARATUS AND  
 PROGRAM STORAGE DEVICE FOR  
 DYNAMICALLY RESIZING  
 MIRRORED VIRTUAL DISKS IN A  
 RAID STORAGE SYSTEM

Customer No.: 41552  
 Confirmation No.: 5964

**SEP 13 2006****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted  
 to the Patent and Trademark Office on Sept. 13, 2006.

  
 Andrew K. Reese

Grp./A.U. : 2185  
 Examiner: : Daniel Y. Kim

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Revocation of Power of Attorney and Appointment of New Agent in the above-identified application.

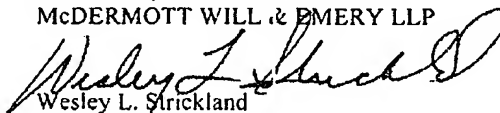
- ☒ No additional fee is required.  
☐ Applicant is entitled to small entity status under 37 CFR 1.27  
☐ Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	0	0	0	\$50.00 =	\$0.00
Independent Claims	0	0	0	\$200.00 =	\$0.00
Fee for extension of time					\$0.00
Total of Above Calculations					\$0.00

- ☐ Please charge my Deposit Account No. 502624 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 502624, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,  
 McDERMOTT WILL & EMERY LLP

  
 Wesley L. Strickland

Registration No. 44363

Please recognize our Customer No. 41552 as our  
 correspondence address.

4370 La Jolla Village Drive, Suite 700  
 San Diego, CA 92122  
 Phone: 858.535.9001 WLS:akr  
 Facsimile: 858.597.1585  
 Date: September 13, 2006

SDO 49830-1.062781.0082

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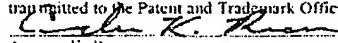
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Customer No.: 41552  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile  
transmitted to the Patent and Trademark Office on Sept. 13, 2006.  
  
Andrew K. Reese

Grp./A.U. : 2185  
Examiner: : Daniel Y. Kim

**REVOCATION OF POWER OF ATTORNEY AND  
APPOINTMENT OF NEW AGENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the above-identified application hereby revokes all previous Powers of Attorney and appoints the following attorneys with full power to prosecute the application, to make alterations and amendments therein, and to transact all business in the United States Patent Office connected therewith.

I hereby appoint the registered practitioners of McDermott Will & Emery LLP, included in the Customer Number provided below, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**CUSTOMER NUMBER 41552**

Send correspondence to the address associated with Customer Number 41552

McDERMOTT WILL & EMERY LLP  
4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122

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Direct Telephone Calls to: Telephone 858.535.9001

**CERTIFICATE UNDER 37 CFR 3.73(b)**

Xiotech, a corporation of Minnesota, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded on July 29, 2003. The assignment was recorded in the Patent and Trademark Office at Reel 014353, Frame 0214.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

The undersigned further declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Assignee: Xiotech Corporation

By:  \_\_\_\_\_

Date: 7 Sept 2006 \_\_\_\_\_

SDO 48497-1.062781.0082